

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Case No. 18-cv-01643 (JRT/HB)

THELMA JONES, PRIYIA LACEY,
FAISA ABDI, ALI ALI, RUKIYA HUSSEIN,
LUCIA PRRAS, DAVID TROTTER-FORD,
AND SOMALI COMMUNITY RESETTLEMENT
SERVICES, INC.

Plaintiffs,

v.

CITY OF FARIBAULT,

Defendant.

**NONPARTY RICE COUNTY HOUSING AND REDEVELOPMENT
AUTHORITY'S RESPONSE TO PLAINTIFF'S SUBPOENA TO PRODUCE
DOCUMENTS**

TO: Defendants Thelma Jones, Priyia Lacey, Faisa Abdi, Ali Ali, Rukiya Hussein, Lucia Prras, David Trotter-Ford, and Somali Community Resettlement Services, Inc. and their attorney Ian Bratlie, American Civil Liberties Union – Minnesota, 709 South Front Street, Suite 1B, Mankato, MN 56001.

Rice County Housing and Redevelopment Authority, a nonparty in the above styled and numbered cause of action, pursuant to Rule 45(d)(2)(B) of the Federal Rules of Civil Procedure, and without waiving any objections herein and/or assertions of privilege to any specific documents when or if such documents are identified, hereby serves these written Objections and Responses to Plaintiffs.

Rice County Housing and Redevelopment Authority serves these Objections and Responses to Plaintiff's Subpoena to Produce Documents under Federal Rule of Civil Procedure 45.

GENERAL STATEMENT

No answer or admissions are intended by these responses. The fact that Rice County Housing and Redevelopment Authority any request for production shall not be taken as an admission that Rice County Housing and Redevelopment Authority accepts certain events or admits the existence of any fact set forth or assumed by such request for production, or that such responses constitutes admissible evidence. The fact that the Rice County Housing and Redevelopment Authority answered all or part of the request for production is not intended and shall not be construed to be a waiver of all of any part of any objection to any request for production made by Plaintiffs.

GENERAL OBJECTIONS

Rice County Housing and Redevelopment Authority, a nonparty, objects to each Request: (1) insofar as it calls for the production of documents not in Rice County Housing and Redevelopment Authority's possession, custody, or control; (2) insofar as it calls for the production of documents that constitute attorney work product, contain attorney-client communications, or are otherwise privileged, confidential, or not public pursuant to the Minnesota Government Data Practices Act; (3) insofar as it calls for the production of documents which are publicly available or otherwise equally available and/or uniquely available or equally available from third parties; (4) insofar as it calls for the production of documents that do not specifically refer to the events which are the subject matter of this

litigation; and (5) insofar as it calls for the production of documents which are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

The inadvertent production or disclosure of any privileged documents or information shall not constitute or be deemed to be a waiver of any applicable privilege with respect to such document or information (or the contents or subject matter thereof) or with respect to any other such document or discovery now or hereafter requested or provided. Rice County Housing and Redevelopment Authority reserves the right not to produce documents that are in part protected by privilege or the Minnesota Government Data Practices Act, except on a redacted basis and by Rice County District Court order, and to require the return of any document (and all copies thereof) inadvertently produced. Rice County Housing and Redevelopment Authority likewise does not waive the right to object, on any and all grounds, to (1) the evidentiary use of documents produced in response to these requests; and (2) discovery requests relating to those documents.

Rice County Housing and Redevelopment Authority's responses and objections are not intended to be, and shall not be construed as, agreement with the characterization of any facts, circumstances, or legal obligations. Rice County Housing and Redevelopment Authority reserves the right to contest any such characterization as inaccurate.

The responses and objections contained herein are made on the basis of information now known to Rice County Housing and Redevelopment Authority and are made without waiving any further objections to or admitting the relevancy or materiality of any of the information requested. Rice County Housing and Redevelopment Authority's answers are

given without prejudice to Rice County Housing and Redevelopment Authority's right to introduce or object to the discovery of any documents, facts or information discovered after the date hereof.

OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All documents related to the City of Faribault's Downtown Housing Improvement Plan ("HIP"), including but not limited to e-mails and other correspondence regarding the origins and purpose of the Plan; data or studies on which the HIP is based; modifications to the HIP; rules or guidelines pertaining to the HIP implementation; and loan applications and the names and contact information for loan recipients.

RESPONSE:

Rice County Housing and Redevelopment Authority objects to this request because it calls for the production of documents within the control of third parties, including independent offices and officers of the City of Faribault and the City of Faribault's Housing and Redevelopment Authority, whose documents are not within Rice County Housing and Redevelopment Authority's possession, custody, or control.

Subject to and without waiving the foregoing objections, Rice County Housing and Redevelopment Authority has no documents, objects, or information related to the City of Faribault's Downtown Housing Improvement Plan ("HIP"), including but not limited to e-mails and other correspondence regarding the origins and purpose of the Plan; data or studies on which the HIP is based; modifications to the HIP; rules or guidelines pertaining to the HIP implementation; and loan applications and the names and contact information for loan recipients.

REQUEST FOR PRODUCTION NO. 2:

All documents related to Priyia K. Lacey's application for HRA housing, including all documents concerning or constituting the background check that the HRA performed on her application.

RESPONSE:

Rice County Housing and Redevelopment Authority objects to this request because it calls for the production of documents within the control of third parties, including independent offices and officers of the City of Faribault and the City of Faribault's Housing

and Redevelopment Authority, whose documents are not within Rice County Housing and Redevelopment Authority's possession, custody, or control.

Subject to and without waiving the foregoing objections, Rice County Housing and Redevelopment Authority has no documents, objects, or information related to Priyia K. Lacey's application for HRA housing, including all documents concerning or constituting the background check that the HRA performed on her application.

REQUEST FOR PRODUCTION NO. 3:

All documents related to David Trotter-Ford's application for HRA housing, including all documents concerning or constituting the background check that the HRA performed on his application.

RESPONSE:

Rice County Housing and Redevelopment Authority objects to this request because it calls for the production of documents within the control of third parties, including independent offices and officers of the City of Faribault and the City of Faribault's Housing and Redevelopment Authority, whose documents are not within Rice County Housing and Redevelopment Authority's possession, custody, or control.

Subject to and without waiving the foregoing objections, Rice County Housing and Redevelopment Authority has no documents, objects, or information related to David Trotter-Ford's application for HRA housing, including all documents concerning or constituting the background check that the HRA performed on his application.

Dated: December 12, 2018

Respectfully submitted,

For Rice County Housing and
Redevelopment Authority

/s/ Terence Swihart
Terence Swihart (0323044)
Assistant Rice County Attorney
Rice County Attorney's Office
218 NW Third Street
Faribault, MN 55021
Tel. 507-332-6103
Fax: 507-332-6175
Email: tswihart@co.rice.mn.us